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10/764,450	01/27/2004	Tatsutoshi Kitajima	248088US2	8704

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EXAMINER
LE, TUAN H

ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 January 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-13_ is/are rejected.

7)☒ Claim(s) _5_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _27 January 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d),

which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 5 recites the limitation "transmitting and receiving continuous data

independently from said control interface" and " data by said control interface

portion is communicated concurrently with the transmitting and the receiving of

said continuous data". There is insufficient antecedent basis for this limitation in

the claim.

Regarding **claim 5**, "like" renders the claim(s) indefinite because the

claim(s) include(s) elements not actually disclosed (those encompassed by "or

the like"), thereby rendering the scope of the claim(s) unascertainable. More

specifically, it is not clear what is in the scope of "continuous data". See MPEP

§ 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

<u>Claims 1-13 are rejected under 35 U.S.C. 103(a) as being</u>

<u>unpatentable over Watanable (U.S. 7,027,084) and further in view of</u>

<u>Yamagishi (U.S. 6,327,001).</u>

Regarding **claim 1**, Watanable discloses an image processing apparatus

(see Watanable, Fig. 1), comprising:

a camera function portion (1A);

said camera function portion (1A), (see Watanable, Fig. 2 and Fig.

3) including

an operating portion (15) for inputting an operation externally;

an imaging portion (22) for photographing an image of a subject;

a digital processing portion (25,26,27) for performing a digital

processing to various signals including photographing data of said imaging

portion;

a displaying portion (9) for displaying image data processed by said

digital processing portion;

a communication function portion (29) included in a main body of

said image processing apparatus or provided attachably and detachably

on said main body of said image processing apparatus to communicate

with said external communication device;

a data storing portion (35) for storing digital data which relates to

said digital processing portion; and

a central controlling portion (20) for controlling said operating

portion, said imaging portion, said digital processing portion, said

displaying portion, said communication function portion and said data storing portion.

However, Watanable does not disclose

a communication judging portion for judging whether or not a communication with an external communication device is possible by a signal from said external communication device;

a data communication portion which carries out the communication with said external communication device when judged by said communication judging portion that the communication is possible and transmits data including a program for controlling said camera function portion from said external communication device to said external communication device;

On the other hand, Yamagishi discloses a communication judging portion (60 and 82) for judging whether or not a communication with an external communication device (300) is possible by a signal from said external communication device, (see Yamagishi, Fig. 1 and column 5 lines 45-55, wherein the judge portion checks if an image pickup apparatus 200 is connected to an information processing apparatus 300);

Therefore, it would have been obvious to an artisan to implement the judging portion as described by Yamagishi into the image processing apparatus as described by Watanable in order to judge whether or not a communication with an external device (40A) is possible because such implementation prevents data being transferred before communication is established.

In addition, Yamaghishi discloses a data communication portion

(52,54,60,72,74) which carries out the communication with said external

communication device (300) when judged by said communication judging portion

that the communication is possible and transmits data including a program for

controlling said camera function portion (200) from said external communication

device (300) to said external communication device, (see Yamagishi, Fig. 1 and

column 6 lines 53 to 56, wherein a program describing how to operate the image

pickup apparatus 200 is downloaded onto the image processing

apparatus/portable phone);

Therefore, it would have been obvious to an artisan to combine the data

communication portion as described by Yamagishi with the image processing

apparatus as described by Watanable in order to carry out the communication

with the external communication device and to transmit a program for controlling

the camera function portion because such combination allows the external

communication device to control a variety of camera, noting that cameras are

controlled by different programs.

Regarding **claim 2**, as previous mentioned in the discussion of claim 1,

Watanable and Yamagishi disclose all of the limitations of the parent claim. In

addition Yamagishi discloses an interface program (in storage 50) for controlling

said camera function portion (how to operate camera 200) is included in

communication data transmitted and received with said external communication

device, and said data communication portion (52,54,60,72,74) includes an

control interface portion established by the interface program for controlling said

camera function portion using control data (66) from said external communication

device, (see Yamagishi, Fig. 1, column 6 line 53-67, and Fig. 2B wherein the

program is executed and actuates camera components in response to user input,

thus an image is picked up).

Regarding **claim 3**, as previously mentioned in the discussion of claim 2,

Watanable and Yamagishi disclose all of the limitations of the parent claim.

Furthermore, Watanable discloses media interface portion (43) established by

the media interface program for carrying out at least one of receiving of digital

processing data of said digital processing portion (25,26,27) by said external

communication device (40A) (see Watanable, Fig. 3, Fig. 7, and column 13 lines

36-38, wherein after sending resize data, portable phone 40A receives resized

image data from digital still camera 1A).and processing of transmission data from

said external communication device by said digital processing portion, from said

external communication device using said control data

However, Watanable does not disclose a media interface program for

transmitting and receiving data with said digital processing portion which is in

said camera function portion is included in the communication data transmitted

and received with said external communication device.

On the other hand, Yamagichi discloses a program (stored in 50) for

transmitting and receiving data with said digital processing portion which is in

camera portion 200 is included in the communication data transmitted and

received with said external communication device 300, (see Yamagishi, Fig. 1

and column 5 lines 47-55, wherein a controlling program is sent from camera

portion to external communication device).

Therefore, it would have been obvious to an artisan to implement the

controlling program as described by Yamagishi into the image communication

system as described by Watanable in order to control image data transmission

because such implementation permits the portable phone control the camera to

send resized image data over a communication network, thus reducing

transmission time over the network and reducing cost.

Regarding **claim 4**, as previously mentioned in the discussion of claim 2,

Watanable and Yamagishi discloses all of the limitations of the parent claims. In

addition, Watanable discloses a communication device (40A and 40B) which has

a telephone function for transmitting and receiving at least one of voice data and

image data via a telephone line (wire telecomunication) of at least one of a fixed

closed-circuit line and a portable wireless line, (see Watanable, Fig. 1 column 6

lines 20-23, wherein portable phone 40A can transmit an image data to portable

phone 40B via a wire telecommunication), and a telephone processing portion (7)

for carrying out at least one of a playback of voice of the voice data from said

communication device and a playback and displaying of the image data from said

communication device when at least judged by said communication judging

portion that the communication is possible (see Watanable, Fig.2 and column 51-

64, wherein portable phone transmits image data to digital still camera by

choosing "Transmit data to camera" option, then the camera can playback and

display on screen 9 of the camera), included in said camera function portion.

Regarding **claim 5**, as previously mentioned in the discussion of claim 2,

Watanable and Yamagishi disclose all of the limitations of the parent claim. In

addition, Watanable discloses that the main body of said image processing

apparatus and said external communication device (80A) include a

communication portion of continuous data (64 and 41) for mutually transmitting

and receiving continuous data like a conversation voice independently from said

control interface portion or said media interface portion, and data by said control

interface portion or said media interface portion is communicated concurrently

with the transmitting and the receiving of said continuous data even while the

communication of said continuous data by the communication portion of the

continuous data is carried out, (see Watanable, Fig. 1, Fig. 5, column 8 lines 61-

67, and column 9 lines1-7, wherein communication system 80A has two

antennas 41 and 61 for handling voice data and image data, respectively).

Regarding **claim 6**, as previously mentioned in the discussion of claim 2,

Watanable and Yamagishi disclose all of the limitations of the parent claims. In

addition, Watanable discloses that said data communication portion includes a

media interface portion (43) established by the media interface program for

carrying out at least one of storing of the data to said data storing portion (35)

and a readout of the data from said data storing portion, from said external

communication device using said control data,(see Watanable, Fig. 3, Fig. 7, and

column 7 lines 54-57, wherein when in data receiving phase, camera 1A stored

received image data into memory 35).

However, Watanable does not disclose a media interface program for transmitting and receiving data of said data storing portion which is in said camera function portion is included in the communication data transmitted and received with said external communication device.

On the other hand, Yamagichi discloses a program (stored in 50) for transmitting and receiving data of said storing portion (24) which is in camera portion 200 is included in the communication data transmitted and received with said external communication device 300, (see Yamagishi, Fig. 1 and column 5 lines 47-55, wherein a controlling program is sent from camera portion to external communication device).

Therefore, it would have been obvious to an artisan to implement the controlling program as described by Yamagishi into the image communication system as described by Watanable in order to readout image data because such implementation allow the portable phone readout the resized image data, thus reducing transmission time over a network reducing cost.

Regarding **claim 7**, as previously mentioned in the discussion of claim 6, Watanable and Yamagishi disclose all of the limitations of the parent claims. In addition, Watanable discloses a media interface portion (43) includes a storing portion for storing voice data inputted by a microphone (59) and processed with encoding (73,74) in said external communication device (40A) to said data storing portion (63), (see Watanable, Fig. 5).

However, Watanable does not disclose said data storing portion which is in said camera function portion by transmitting the voice data to the main body of said image processing apparatus.

On the other hand, Yamagishi discloses data storing portion (24) which is in camera function portion for storing image and sound data (200), (see Yamagishi, column 19 lines 1-8, wherein memory 24 is capable of storing sound data).

Therefore, it would have been obvious to an artisan to implement the data storing portion as described by Yamagishi into the image processing as described by Watanable in order to store image data and voice data in a same memory unit in a digital camera because such implementation reduces the number of memory unit to one, thus resulting in a less complicated circuitry for the image processing apparatus.

Regarding **claim 8**, as previously mentioned in the discussion of claim 6, Watanable and Yamagishi disclose all of the limitations of the parent claims. In addition, Watanable discloses said media interface portion (43) includes a playback portion for carrying out a playback of voice data by means of a speakers (42) by receiving the voice data by said external communication device (40A) and processing decoding (71,72) on the voice data in the external communication device (40A), (see Watanable, Fig. 5 and Fig. 6).

However, Watanable does not disclose that voice data stored in said data storing portion which is in said camera function portion.

On the other hand, Yamagishi discloses that sound data is stored in data storing portion (24) in camera (200), (see Yamagishi, column 19 lines 1-8, wherein memory 24 is capable of storing sound data).

Therefore, it would have been obvious to an artisan to implement voice data in storing portion as described by Yamagishi into the image processing as described by Watanable in order to store voice data in a memory unit in a digital camera because such implementation reduces the number of memory unit to one, thus resulting in a less complicated circuitry for the image processing apparatus.

Regarding **claim 9**, as previously mentioned in the discussion of claim 6, Watanable and Yamagishi disclose all of the limitations of the parent claims. In addition, Watanable discloses said media interface portion (43) includes a storing portion for storing voice data inputted by a microphone (59) and processed with encoding (73,74) in said external communication device (40A) to said storing portion (63), (see Watanable, Fig. 5).

However, Watanable does not disclose transmitting the voice data to the main body of said image processing apparatus and associating the voice data with image data stored in said data storing portion which is in said camera function portion.

On the other hand, Yamagishi discloses data storing portion (24) which is in camera function portion for storing image and sound data (200), (see Yamagishi, column 19 lines 1-8, wherein memory 24 is capable of storing sound data).

Therefore, it would have been obvious to an artisan to implement the data

storing portion as described by Yamagishi into the image processing as

described by Watanable in order to store image data and voice data in a same

memory unit in a digital camera because such implementation reduces the

number of memory unit to one, thus resulting in a less complicated circuitry for

the image processing apparatus.

Regarding **claim 10**, as previously mentioned in the discussion of claim 6,

Watanable and Yamagishi disclose all of the limitations of the parent claims. In

addition, Watanable discloses said media interface portion (43) includes a

transmitting portion (image mail) for transmitting an image data to said external

communication device (40A) by resizing the image data in said camera function

portion (1A) of the main body of said image processing apparatus according to a

resizing method based on control data (re-size instruction) transmitted from said

external communication device (40A), (see Watanable, Fig. 7 and Fig. 9, wherein

after portable phone 40A sends resize instruction to camera 1B, portable phone

40A receives resized image data).

Regarding **claim 11**, as previously mentioned in the discussion of claim 6,

Watanable and Yamagishi disclose all of the limitations of the parent claims. In

addition, Watanable disclose said media interface portion (43) includes an adding

portion for adding symbol information (phone number used for transmission and

resizing resolution) created by using a function (key on portable phone) for

creating the symbol information which includes characters provided in said

external communication device (40A) to a selected file which has been stored of

said data storing portion which is in said camera function portion by transmitting

the symbol information to the main body of said image processing apparatus,

(see Watanable, Fig. 11, wherein phone number used for transmission and

resize resolution generated by portable phone 40A is stored in header file of

image data).

Regarding **claim 12**, as previously mentioned in the discussion of claim

11, Watanable and Yamagishi disclose all of the limitations of the parent claims.

In addition, Watanable discloses that said media interface portion (43) further

includes a transmitting portion for transmitting the symbol information (resize

resolution) created by using the function (keys on portable phone) for creating

the symbol information which includes the characters provided in said external

communication device (40A) to the main body of the image processing apparatus

as image information which can be utilized even in said camera function portion

(1A) in the main body of said image processing apparatus, (see Watanable, Fig.

1 and Fig. 9, wherein after portable phone transmits resize resolution for a

selected image, image resolution is later on displayed on the camera 1A with the

selected image).

Regarding **claim 13**, as previously mentioned in the discussion of claim

11, Watanable and Yamagishi disclose all of the limitations of the parent claims.

In addition, Watanable discloses said media interface portion further includes a

selecting portion (43) capable of selecting a method of selecting and specifying

of a data file alternatively from a plurality of methods of the selecting and the

specifying including a method of selectively specifying the data file by displaying

an original file name (001-0002) of said data file on a displaying portion in said

external communication device (40A) and a method of selectively specifying the

data file by displaying the symbol information added to said data file on the

display portion, when specifying the data file stored to said data storing portion

which is in said camera function portion from said external communication device

(see Watanable, Fig. 4, wherein selecting and specifying data file is performed

on the basis of original file name).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Fukuoka (U.S. Pat. 5,754,227).

Hashimoto et al (U.S. Pat. 6,111,604).

Fukuoka (U.S. Pat. 6,104,430)

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Tuan H. Le whose telephone number is (571)

270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-

4:00.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

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Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan Le/
Patent Examiner.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER.